

AMENDED IN SENATE APRIL 28, 2003

AMENDED IN SENATE MARCH 24, 2003

SENATE BILL

No. 780

Introduced by Senator Torlakson

February 21, 2003

An act to amend Sections 210, 21455.7, and 40518 of, to add Sections ~~12810.3, 40518.5, and 40520.5 to, and to repeal and add~~ **Section 212, 4760.2, 4761.1, 4762.1, 4763.1, 4764.1, 4765.1, 12810.3, 40518.5, 40520.5, 40520.6, 40520.7, 40520.8, 40520.9, 40520.10, 40520.11, 40520.12, and 40520.13 to, and to repeal and add** Section 21455.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 780, as amended, Torlakson. Vehicles: violations: automated enforcement systems.

(1) Existing law defines an “automated enforcement system” as any system operated by a governmental agency, in cooperation with a law enforcement agency, that photographically records a driver’s responses to a rail or rail transit signal or crossing gate, or both, or to an official traffic control signal, as specified, and is designed to obtain a clear photograph of a vehicle’s license plate and the driver of the vehicle.

This bill would revise that definition to delete the requirement that the system be designed to obtain a clear photograph of the driver of the vehicle.

(2) Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain

requirements, and provides a procedure for criminal adjudication of alleged violations recorded by that system.

This bill, instead, would require those violations to be cited as civil violations, subject to a civil penalty of not more than \$200 and a specified administrative adjudication process. The bill would exempt those violations from a specified traffic violation point count process.

The bill would make conforming changes to existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 210 of the Vehicle Code is amended to
2 read:

3 210. An “automated enforcement system” is any system
4 operated by a governmental agency, in cooperation with a law
5 enforcement agency, that photographically records a driver’s
6 responses to a rail or rail transit signal or crossing gate, or both, or
7 to an official traffic control signal described in Section 21450, and
8 is designed to obtain a clear photograph of a vehicle’s license plate.

9 SEC. 2. Section 212 is added to the Vehicle Code, to read:

10 212. An “automated violation” is a violation of Section
11 21453, 21455, or 22101 that is cited as a civil violation under
12 Section 21455.5.

13 SEC. 3. Section 4760.2 is added to the Vehicle Code, to read:

14 4760.2. (a) (1) Except as provided in subdivision (b), the
15 department shall refuse to renew the registration of any vehicle if
16 the registered owner or lessee has been mailed a notice of
17 delinquent automated violation, the processing agency has filed or
18 electronically transmitted to the department an itemization of
19 failure to pay penalties, including administrative fees, and the
20 owner or lessee has failed to pay the penalty and administrative
21 fee, unless he or she pays to the department, at the time of
22 application for renewal, the full amount of all outstanding
23 automated violation penalties and administrative fees, as shown
24 by records of the department.

25 (2) When the department receives the full amount of all
26 outstanding penalties and administrative fees under paragraph
27 (1), it shall issue a receipt showing each automated violation and
28 administrative fee that has been paid, the processing agency for



1 *that penalty and fee, and a description of the vehicle involved in*
2 *each automated violation.*

3 *(b) The department may not refuse to renew the registration of*
4 *any vehicle owned by a renter or lessor if the applicant provides*
5 *the department with an abstract or notice issued under subdivision*

6 *(c) that clears all outstanding automated violation penalties and*
7 *administrative fees shown in the records of the department.*

8 *(c) The court or designated processing agency shall issue an*
9 *abstract or notice of disposition of automated violations to the*
10 *renter or lessor of a vehicle issued a notice of a delinquent*
11 *automated violation, if the renter or lessor provides the court or*
12 *processing agency with the name, address, and driver's license*
13 *number of the rentee or lessee at the time of occurrence of the*
14 *automated violation.*

15 *SEC. 4. Section 4761.1 is added to the Vehicle Code, to read:*

16 *4761.1. The department shall include on each potential*
17 *registration card issued for use at the time of renewal, or on an*
18 *accompanying document, an itemization of unpaid automated*
19 *violations, including administrative fees, showing the amount*
20 *thereof and the jurisdiction that issued the notice of automated*
21 *violation.*

22 *SEC. 5. Section 4762.1 is added to the Vehicle Code, to read:*

23 *4762.1. The department shall remit all automated violation*
24 *penalties and administrative fees collected, after deducting the*
25 *administrative fee authorized under Section 4763.1, for each*
26 *notice of delinquent automated violation for which penalties and*
27 *administrative fees have been collected under Section 4760.2, to*
28 *each jurisdiction in the amounts due to each jurisdiction according*
29 *to its unadjudicated notices of delinquent automated violations.*
30 *Within 45 days after the time penalties are recorded by the*
31 *department, the department shall inform each jurisdiction as to*
32 *which of the jurisdiction's notices of delinquent automated*
33 *violation have been discharged.*

34 *SEC. 6. Section 4763.1 is added to the Vehicle Code, to read:*

35 *4763.1. The department shall assess a fee for recording*
36 *notices of delinquent automated violation filed under Section*
37 *40520.6, in an amount determined by the department to be*
38 *sufficient to provide a total amount equal to the department's*
39 *actual costs in administering Sections 4760.2, 4761.1, 4762.1,*
40 *4764.1, and 4765.1.*

1 *SEC. 7. Section 4764.1 is added to the Vehicle Code, to read:*
2 *4764.1. If a vehicle is transferred or not renewed for two*
3 *renewal periods and the former registered owner or lessee of the*
4 *vehicle owes a penalty for a notice of delinquent automated*
5 *violation filed with the department under Section 40520.6, the*
6 *department shall notify each jurisdiction of that fact. After making*
7 *that notification, the department is not required to attempt*
8 *collection of the undeposited automated violation penalty and*
9 *administrative fees.*

10 *SEC. 8. Section 4765.1 is added to the Vehicle Code, to read:*
11 *4765.1. No exemption from the payment of any fee imposed*
12 *under this code is an exemption from the obligation of a registered*
13 *owner or lessee to pay the full amount of automated violation*
14 *penalties and administrative fees under Section 4760.2.*

15 *SEC. 9. Section 12810.3 is added to the Vehicle Code, to read:*
16 *12810.3. No violation point count may be given for a*
17 *violation of Section 21453, 21455, or 22101 that is cited as a civil*
18 *violation under Section 21455.5.*

19 ~~*SEC. 3.—*~~

20 *SEC. 10. Section 21455.5 of the Vehicle Code is repealed.*

21 ~~*SEC. 4.—*~~

22 *SEC. 11. Section 21455.5 is added to the Vehicle Code, to*
23 *read:*

24 21455.5. (a) The limit line, intersection, or crosswalk
25 described in Section 21453 or 22101, or the places described in
26 Section 21455, where a stop is required, may be equipped with an
27 automated enforcement system to record violations of Section
28 21453, 21455, or 22101, if the governmental agency utilizing the
29 system complies with either of the following:

30 (1) The system is identified by signs located not less than 200
31 feet from the limit line, intersection, crosswalk, or other place
32 where a stop is required, clearly indicating that the system is being
33 utilized.

34 (2) Signs are posted at all major entrances to the city, including,
35 at a minimum, all entrances from freeways, bridges, and state
36 highway routes, clearly indicating that an automated enforcement
37 system is being utilized within the city.

38 (b) (1) Only a governmental agency, in cooperation with a law
39 enforcement agency, may operate an automated enforcement
40 ~~system under this section. However, the governmental agency may~~

~~contract out the day-to-day operation of the system to a private entity.~~ *system under this section. The governmental agency and the law enforcement agency may not relinquish control of the automated enforcement system to a private entity.*

(2) The governmental agency *and the law enforcement agency* shall be responsible for determining the location where the system will be used, and for the proper supervision and maintenance of the program, ~~but may consult with a private entity on these issues.~~

(c) Prior to issuing the first citation for a violation recorded by the automated enforcement system, the governmental agency shall do both of the following:

(1) Issue warning notices instead of citations for any violations recorded during the first 30 days after the first recording unit is installed.

(2) Not less than 30 days prior to the commencement of the automated enforcement program, make a public announcement that the system will be utilized.

(d) A governmental agency that has established an automated enforcement system under this section shall compensate any involved manufacturer or vendor based solely upon the value of the equipment and services provided or rendered in support of the system. Compensation may not be based upon a portion of the civil penalty imposed, *the volume of citations*, or the revenue generated by the equipment.

(e) The automated enforcement system shall be designed to record an image of the violating vehicle and license plate thereon during the commission of the violation.

(f) Notwithstanding Section 6253 of the Government Code, or any other provision of law, photographic records made by the automated enforcement system shall be confidential, and shall be made available only to the following:

(1) Governmental agencies and law enforcement agencies, for the purpose of this article.

(2) The registered owner or any individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation.

(g) Any confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of this article shall be held confidential and may not

1 be used for any purpose other than administration or enforcement
2 of this article.

3 (h) A violation recorded by the automated enforcement system
4 shall be cited as a civil violation, subject to a civil penalty of not
5 more than two hundred dollars (\$200).

6 (i) A violation recorded by the automated enforcement system
7 shall be subject to the administrative adjudication process set forth
8 in Sections 40518.5 and 40520.5. The violation shall be the
9 responsibility of the registered owner of the vehicle recorded by
10 the system.

11 (j) This section does not apply to either of the following:

12 (1) A notice to appear issued by a law enforcement officer for
13 a violation of Section 21453, 21455, or 22101 that was witnessed
14 by the officer.

15 (2) A notice to appear issued by a law enforcement officer
16 under Section 40600 as a result of a traffic collision in which a
17 violation of Section 21453, 21455, or 22101 is a contributing
18 factor to the collision, ~~if the violation is recorded by an automated~~
19 ~~traffic enforcement system.~~ *collision.*

20 (k) The department shall issue citations under this section for
21 violations that occur on a highway over which the department has
22 primary jurisdiction. Pursuant to this requirement, the department
23 may enter into agreements for both of the following:

24 (1) To provide for reimbursement to the department by the
25 governmental agency utilizing the automated enforcement
26 system, for services rendered by the department under this
27 subdivision.

28 (2) To provide for reimbursement to the department by the
29 appropriate governmental agency utilizing the automated
30 enforcement system in a regional or multiagency automated
31 enforcement system program, for services rendered by the
32 department under this subdivision.

33 ~~SEC. 5.—~~

34 *SEC. 12. Section 21455.7 of the Vehicle Code is amended to*
35 *read:*

36 21455.7. (a) At each intersection at which there is an
37 automated enforcement system in operation, the minimum yellow
38 light ~~change phase~~ interval shall be ~~established~~ *four seconds.*

1 ***(b) A yellow light phase setting greater than the minimum***
2 ***required under subdivision (a) shall be established in accordance***
3 ***with the Traffic Manual of the Department of Transportation.***

4 ***(c) The governmental agency utilizing an automated***
5 ***enforcement system under Section 21455.5 shall certify that the***
6 ***system is all of the following:***

7 ***(1) Properly installed.***

8 ***(2) Functioning correctly.***

9 ***(3) Calibrated upon initial installation and annually thereafter***
10 ***to the yellow light phase interval required under this section.***

11 ***SEC. 13.*** Section 40518 of the Vehicle Code is amended to
12 read:

13 40518. (a) Whenever a written notice to appear has been
14 issued by a peace officer or by a qualified employee of a law
15 enforcement agency on a form approved by the Judicial Council
16 for an alleged violation of Section 22451 recorded by an
17 automated enforcement system pursuant to Section 22451, and
18 delivered by mail within 15 days of the alleged violation to the
19 current address of the registered owner of the vehicle on file with
20 the department, with a certificate of mailing obtained as evidence
21 of service, an exact and legible duplicate copy of the notice when
22 filed with the magistrate shall constitute a complaint to which the
23 defendant may enter a plea. Preparation and delivery of a notice
24 to appear pursuant to this section is not an arrest.

25 (b) A notice to appear shall contain the name and address of the
26 person, the license plate number of the person's vehicle, the
27 violation charged, including a description of the offense, and the
28 time and place when, and where, the person may appear in court
29 or before a person authorized to receive a deposit of bail. The time
30 specified shall be at least 10 days after the notice to appear is
31 delivered.

32 ~~***SEC. 5.—***~~

33 ***SEC. 14.*** Section 40518.5 is added to the Vehicle Code, to
34 read:

35 40518.5. (a) For a period of 21 calendar days from the
36 issuance of a notice of a violation of Section 21453, 21455, or
37 22101 that was recorded by an automated enforcement system
38 authorized under Section 21455.5, or 14 calendar days from the
39 mailing of a notice of delinquent violation, a person may request
40 an initial review of the notice by the issuing agency. The request

1 may be made by telephone, in writing, or in person. There shall be
2 no charge for this review. If, following the initial review, the
3 issuing agency is satisfied that the violation did not occur, that the
4 registered owner was not responsible for the violation, or that
5 extenuating circumstances make dismissal of the citation
6 appropriate in the interest of justice, the issuing agency shall
7 cancel the notice of violation or notice of delinquent violation. The
8 issuing agency shall advise the processing agency, if any, of the
9 cancellation. The issuing agency or the processing agency shall
10 mail the results of the initial review to the person contesting the
11 notice.

12 (b) If the person is dissatisfied with the results of the initial
13 review, the person may request an administrative hearing of the
14 violation no later than 21 calendar days following the mailing of
15 the results of the issuing agency's initial review. The request may
16 be made by telephone, in writing, or in person. The person
17 requesting an administrative hearing shall deposit the amount of
18 the penalty with the processing agency. The issuing agency shall
19 provide a written procedure to allow a person to request an
20 administrative hearing without payment of the penalty upon
21 satisfactory proof of an inability to pay the amount due. Notice of
22 this procedure shall be provided to all persons requesting an
23 administrative hearing. The administrative hearing shall be held
24 within 90 calendar days following the receipt of a request for an
25 administrative hearing. The person requesting the hearing may
26 request one continuance, not to exceed 21 calendar days.

27 (c) The administrative hearing process shall include the
28 following:

29 (1) The person requesting a hearing shall have the choice of a
30 hearing by mail or in person. An in-person hearing shall be
31 conducted within the jurisdiction of the issuing agency. If an
32 issuing agency contracts with an administrative provider, hearings
33 shall be held within the jurisdiction of the issuing agency or no
34 more than 21 miles outside the county.

35 (2) If the person requesting a hearing is a minor, that person
36 shall be permitted to appear at a hearing or admit responsibility for
37 the violation without the necessity of the appointment of a
38 guardian. The processing agency may proceed against the minor
39 in the same manner as against an adult.

(3) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested violations.

(4) (A) The issuing agency's governing body or chief executive officer shall appoint or contract with qualified examiners or administrative hearing providers that employ qualified examiners to conduct the administrative hearings. Examiners shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review. The examiner shall be separate and independent from the citation collection or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits may not, directly or indirectly, be linked to the amount of fines collected by the examiner.

(B) Examiners shall have a minimum of 20 hours of training. The examiner is responsible for the costs of the training. The issuing agency may reimburse the examiner for those costs. Training may be provided through (i) an accredited college or university, ~~(ii) a program conducted by the Commission on Peace Officer Standards and Training, (iii) American Arbitration Association, (ii) the American Arbitration Association~~ or a similar established organization, or ~~(iv) through any~~ (iii) a program approved by the governing board of the issuing agency, including a program developed and provided by, or for, the agency. Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Upon the approval of the governing board of the issuing agency, up to 12 hours of relevant experience may be substituted for up to 12 hours of training. In addition, up to eight hours of the training requirements described in this subparagraph may be credited to an individual, at the discretion of the governing board of the issuing agency, based upon training programs or courses described in (i) to ~~(iv)~~ (iii), inclusive, that the individual attended within the last five years.

(5) The officer or person who issues a notice of violation may not be required to participate in an administrative hearing. The issuing agency may not be required to produce any evidence other than the notice of violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

(6) The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail.

(7) Following a determination by the examiner that a person has committed the violation, the examiner may, consistent with the written guidelines established by the issuing agency, allow payment of the penalty in installments, or an issuing agency may allow for deferred payment or allow for payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the penalty in full. If authorized by the governing board of the issuing agency, the examiner may permit the performance of community service in lieu of payment of a penalty.

~~(d) The provisions of this section relating to the administrative appeal process do not apply to an issuing agency that is a law enforcement agency if the issuing agency does not also act as the processing agency.~~

~~SEC. 7.—~~

SEC. 15. Section 40520.5 is added to the Vehicle Code, to read:

40520.5. (a) Within 30 calendar days after the mailing or personal delivery of the final decision described in subdivision (b) of Section 40518.5, the contestant may seek review by filing an ~~appeal to be heard by the municipal court, or by the superior court in a county in which there is no municipal court, where the same~~ *appeal to be heard by the superior court, where the same* shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of violation or, if the citation was issued electronically, a true and correct abstract containing the information set forth in the notice of violation shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing

1 agency by the contestant. For purposes of computing the
2 30-calendar-day period, Section 1013 of the Code of Civil
3 Procedure shall be applicable. A proceeding under this subdivision
4 is a limited civil case.

5 ~~(b) (1) The fee for filing the notice of appeal is twenty-five~~
6 ~~dollars (\$25)~~

7 *(b) (1) No fee may be charged for filing a notice of appeal.*
8 The court shall request that the processing agency's file on the case
9 be forwarded to the court, to be received within 15 calendar days
10 of the request.

11 (2) The court shall notify the contestant of the appearance date
12 ~~by mail or personal delivery. The court shall retain the twenty-five~~
13 ~~dollar (\$25) fee regardless of the outcome of the appeal. If the~~
14 ~~court finds in favor of the contestant, the amount of the fee shall~~
15 ~~be reimbursed to the contestant by the processing agency. Any~~
16 ~~by mail or personal delivery. Any deposit of penalty shall be refunded~~
17 ~~by the processing agency in accordance with the judgment of the~~
18 ~~court.~~

19 (c) The conduct of the appeal under this section is a subordinate
20 judicial duty that may be performed by traffic trial commissioners
21 and other subordinate judicial officials at the direction of the
22 presiding judge of the court.

23 (d) If no notice of appeal of the processing agency's decision
24 is filed within the period set forth in subdivision (a), the decision
25 shall be deemed final.

26 (e) If the penalty has not been deposited and the decision is
27 against the contestant, the processing agency shall proceed to
28 collect the penalty after the decision becomes final.

29 *SEC. 16. Section 40520.6 is added to the Vehicle Code, to*
30 *read:*

31 *40520.6. The processing agency shall proceed under only one*
32 *of the following options in order to collect an unpaid automated*
33 *violation penalty:*

34 *(a) File an itemization of unpaid automated violation penalties*
35 *and service fees with the department for collection with the*
36 *registration of the vehicle under Section 4760.2.*

37 *(b) If more than four hundred dollars (\$400) in unpaid*
38 *penalties and fees have been accrued by a person or registered*
39 *owner, proof thereof may be filed with the court with the same effect*
40 *as a civil judgment. Execution may be levied and other measures*

1 may be taken for the collection of the judgment as are authorized
2 for the collection of an unpaid civil judgment entered against a
3 defendant in an action on a debtor. The court may assess costs
4 against a judgment debtor to be paid upon satisfaction of the
5 judgment. The processing agency shall send a notice by first-class
6 mail to the person or registered owner indicating that a judgment
7 shall be entered for the unpaid penalties, fees, and costs and that,
8 after 21 calendar days from the date of the mailing of the notice,
9 the judgment shall have the same effect as an entry of judgment
10 against a judgment debtor. The person or registered owner shall
11 also be notified at that time that execution may be levied against
12 his or her assets, liens may be placed against his or her property,
13 his or her wages may be garnished, and other steps may be taken
14 to satisfy the judgment. If a judgment is rendered for the processing
15 agency, that agency may contract with a collection agency to
16 collect the amount of that judgment. Notwithstanding any other
17 provision of law, the processing agency shall pay the established
18 first paper civil filing fee at the time an entry of civil judgment is
19 requested.

20 (c) If the registration of the vehicle has not been renewed for 60
21 days beyond the renewal date, and the citation has not been
22 collected by the department under Section 4760.2, the processing
23 agency may file proof of unpaid penalties and fees with the court
24 with the same effect as a civil judgment, as provided in subdivision
25 (b).

26 SEC. 17. Section 40520.7 is added to the Vehicle Code, to
27 read:

28 40520.7. The processing agency shall terminate proceedings
29 on the notice of delinquent automated violation in any of the
30 following cases:

31 (a) Upon receipt of collected penalties and administrative fees
32 remitted by the department under Section 4762.1 for that notice of
33 delinquent automated violation. The termination under this
34 subdivision is by satisfaction of the automated violation penalty.

35 (b) If the notice of delinquent automated violation was returned
36 to the processing agency under Section 4764.1 and five years have
37 elapsed since the date of the violation. The termination under this
38 subdivision is by the running of a statute of limitation of
39 proceedings.



1 (c) *The processing agency receives information, which it shall*
2 *verify with the department, that the penalty has been paid to the*
3 *department under Section 4762.1*

4 SEC. 18. *Section 40520.8 is added to the Vehicle Code, to*
5 *read:*

6 40520.8. *The time limitation provided by law for*
7 *commencement of a civil action for an automated violation shall*
8 *be tolled from and after the date a notice of delinquent automated*
9 *violation is filed with the department under subdivision (b) of*
10 *Section 40520.6 until the notice is returned to the processing*
11 *agency under subdivision (b) of Section 4760.2, or Section 4761.1*
12 *or 4764.1, or is recalled by the processing agency under*
13 *subdivision (d) of Section 40211.1.*

14 SEC. 19. *Section 40520.9 is added to the Vehicle Code, to*
15 *read:*

16 40520.9. (a) *All automated violation penalties collected by*
17 *the processing agency, which may be the issuing agency, including*
18 *process service fees and fees and collection costs related to civil*
19 *debt collection, shall be deposited to the account of the issuing*
20 *agency, except that those sums attributable to the issuance of a*
21 *notice of automated violation by a peace officer of the Department*
22 *of the California Highway Patrol shall be deposited in the account*
23 *in the jurisdiction where the violation occurred.*

24 (b) *The processing agency shall prepare a report at the end of*
25 *each fiscal year setting forth the number of cases processed, and*
26 *all sums received and distributed, together with all other*
27 *information that may be required by the issuing agency or the*
28 *Controller. This report is a public record and shall be delivered to*
29 *each issuing agency. Copies shall be made available, upon*
30 *request, to the county auditor, the Controller, and the grand jury.*

31 SEC. 20. *Section 40520.10 is added to the Vehicle Code, to*
32 *read:*

33 40520.10. *The processing agency shall deposit with the*
34 *county treasurer all sums due the county as the result of processing*
35 *an automated violation not later than 45 calendar days after the*
36 *last day of the month in which the automated violation penalty was*
37 *received.*

38 SEC. 21. *Section 40520.11 is added to the Vehicle Code, to*
39 *read:*

1 40520.11. (a) If the payment of the automated violation
2 penalty is not received by the person authorized to receive a
3 deposit of the penalty by the date fixed on the notice of automated
4 violation, the processing agency shall deliver to the registered
5 owner a notice of delinquent automated violation.

6 (b) Delivery of a notice of delinquent automated violation
7 under subdivision (a) may be made by personal service or by
8 first-class mail addressed to the registered owner, as shown on
9 records of the department.

10 SEC. 22. Section 40520.12 is added to the Vehicle Code, to
11 read:

12 40520.12. If the affidavit of nonliability is returned to the
13 processing agency within 30 calendar days of the mailing of the
14 notice of delinquent automated violation together with the proof
15 of a written lease or rental agreement between a bona fide rental
16 or leasing company, and its customer which identifies the rentee
17 or lessee and provides the driver's license number, name, and
18 address of the rentee or lessee, the processing agency shall serve
19 or mail to the rentee or lessee identified in the affidavit of
20 nonliability a notice of delinquent automated violation. If payment
21 is not received within 21 calendar days from the date of issuance
22 of the citation or 14 calendar days after the mailing of the notice
23 of delinquent automated violation, the processing agency may
24 proceed against the rentee or lessee under Section 40520.6.

25 SEC. 23. Section 40520.13 is added to the Vehicle Code, to
26 read:

27 40520.13. (a) If the registered owner, or an agent of the
28 registered owner, or a rentee or lessee who was served with the
29 notice of delinquent automated violation under Section 40520.11
30 or Section 40520.12, or any other person who presents the notice
31 of automated violation or notice of delinquent automated violation
32 after the notice of delinquent automated violation has been issued
33 for delivery under Section 40520.11, deposits the automated
34 violation penalty with a person authorized to receive it, the
35 processing agency shall do both of the following:

36 (1) Deliver a copy, including, but not limited to, a photostatic
37 copy, of one of the following:

38 (A) The notice of delinquent automated violation issued under
39 Section 40520.11.

1 (B) A true and correct abstract containing the information set
2 forth in the notice of automated violation, if the citation was issued
3 electronically.

4 (C) An electronically reproduced listing of the citation
5 information presented in the notice of delinquent automated
6 violation, if the issuing agency records the name, address, and
7 driver's license number of the person given the copy described in
8 subparagraph (A).

9 (2) Determine whether the notice of delinquent automated
10 violation has been filed with the department under subdivision (b)
11 of Section 40520.6 or a civil judgment has been entered under
12 Section 40520.6.

13 (b) If the notice of delinquent automated violation has not been
14 filed with the department or judgment entered and payment of the
15 automated violation penalty, including all applicable assessments,
16 is received, the delinquent automated violation proceedings shall
17 terminate.

18 (c) If the notice of delinquent automated violation has been
19 filed with the department, has been returned under subdivision (b)
20 or (c) of Section 4760.2 or Section 4764.1, and payment of the
21 automated red light penalty together with the administrative
22 service fee of the processing agency for costs of service and all
23 applicable assessments is received, the delinquent automated
24 violation proceeding shall terminate.

25 (d) If the notice of delinquent automated red light violation has
26 been filed with the department and has not been returned under
27 Section 4760.2, 4762.1, and 4764.1, and payment of the
28 automated red light penalty for, and all applicable costs of, service
29 in connection with civil debt collection, is received by the
30 processing agency, the processing agency shall do all of the
31 following:

32 (1) Deliver a certificate of payment to the registered owner, the
33 agent, the lessee, or the rentee or other person making the
34 payment.

35 (2) Immediately transmit the payment information to the
36 department in the manner prescribed by the department.

37 (3) Terminate proceedings on the notice of delinquent
38 automated violation.

- 1 (4) *Transmit for deposit all automated violation penalties and*
- 2 *assessments in accordance with law.*

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